



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART I

ORGANISATION

[^{F1}Proposals and applications in relation to registered independent health care services

VALID FROM 01/10/2010

[^{F1}10T Emergency cancellation of registration

- (1) HIS may apply to the sheriff for an order cancelling the registration of an independent health care service.
- (2) The application may be granted if it appears to the sheriff that, unless the order is made, there will be a serious risk to the life, health or wellbeing of persons.
- (3) The sheriff may make such interim order as the sheriff thinks fit.
- (4) As soon as practicable after HIS has applied for an order under subsection (1), it must notify the appropriate authorities.
- (5) Where the order applied for is made (or an interim order is made), HIS must as soon as reasonably practicable give a copy of it to the person who provides the independent health care service.
- (6) The sheriff may determine an application under this section in the absence of the person providing the independent health care service to which the application relates.
- (7) An order under this section has effect—
 - (a) from the time at which it is made; or
 - (b) from such other time as the sheriff considers appropriate.

Status: Point in time view as at 07/02/2007. This version of this provision is not valid for this point in time.

Changes to legislation: National Health Service (Scotland) Act 1978, Section 10T is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (8) Within 14 days of the day on which an order under this section is made, an appeal may be made to the sheriff principal against the making of the order.
- (9) On an appeal under subsection (8), the sheriff principal may—
- (a) confirm the order;
 - (b) revoke the order;
 - (c) modify the order;
 - (d) make such other order as the sheriff principal thinks fit.
- (10) The decision of the sheriff principal on an appeal under subsection (8) is final.
- (11) An order under this section has effect notwithstanding the making of an appeal in relation to the order.
- (12) For the purposes of this section, the appropriate authorities are—
- (a) each—
 - (i) local authority; and
 - (ii) Health Board,
 within whose area the independent health care service is provided; and
 - (b) any other body established by or under an enactment whom HIS thinks it appropriate to notify.]

Textual Amendments

- F1** Ss. 10A-10Z19 and cross-headings inserted (1.8.2010 for the insertion of s. 10A for specified purposes, 1.10.2010 for specified purposes, 1.4.2011 for specified purposes, 1.4.2016 for specified purposes with the exception of the insertion of s. 10Z9(1)(a), 1.4.2017 for specified purposes, 19.6.2024 for specified purposes) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 108, 134\(7\)](#); [S.S.I. 2010/221](#), [art. 3\(2\)\(3\)](#), [sch.](#); [S.S.I. 2010/321](#), [art. 3](#), [sch.](#); [S.S.I. 2011/122](#), [art. 2](#), [sch.](#); [S.S.I. 2016/22](#), [art. 2\(1\)\(2\)](#), [sch. 1](#), [sch. 2](#); [S.S.I.2024/131](#), [art. 2](#), [sch. 1](#)

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